



PATENT  
Att'y Dkt.: 11854/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Elizabeth SHARPE, et al.

Serial No.: 09/670,635

Filed: September 26, 2000

For: METHOD AND SYSTEM FOR ARCHIVING  
AND RETRIEVING ITEMS BASED ON  
EPISODIC MEMORY OF GROUPS OF  
PEOPLE

Examiner: B.N. To

Art Unit: 2172

**DECLARATION OF ELIZABETH SHARPE AND JOHN FRASER**

We, Elizabeth Sharpe and John Fraser, individually and collectively declare as follows:

1. We are the inventors of the above-referenced patent application. We are advised that pending claims 1-27 stand rejected as obvious over Shneiderman, et al., Direct Annotation, A Drag-and-Drop Strategy for Labeling Photos, Proc. Int'l Conf. Information Visualization (July 2000) (herein "Shneiderman") and EPO 0 678 816 A2 to Yoshiyuki and claims 58-65 stand rejected over Shneiderman and U.S.P. 5,485,611 to Astle. Shneiderman apparently was published in July 2000, approximately two months prior to the filing date of this patent application. Shneiderman is prior art to this patent application, therefore, under 35 U.S.C. § 102 (a).
2. We conceived of the subject matter recited in the pending claims of this application prior to July 2000. Evidence of this fact is shown in the attached Exhibit A, which John Fraser delivered to our patent attorney, Piers Kidd of Marks & Clerk, on June 9 2000. Exhibit A is a patent disclosure document that describes the structure and operation of the system now described and claimed in the present application.
3. Exhibit A illustrates that conception of the subject matter recited in the pending claims had occurred before July 2000. Exhibit A, for example, describes registration of users according to groups (p. 14). Exhibit A also describes reception of user archiving input data and generation and storage of index information for digital media items (FIG. 2). As part of this process, Exhibit A describes selection of zero or more people, zero or more event types and a

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and John Fraser

time period. See, p. 1, ¶ 1.6. FIGS. 5-6 illustrate retrieve of the digital media items. Exhibit A also describes selection of zero or more event types, zero or more persons and selection of a time period for the retrieval process. See, FIG. 7 and Table 7. And, of course, Exhibit A describes retrieval and outputting of matching digital media items. Thus, Exhibit A demonstrates conception of all elements from independent claim 1. Exhibit A similarly supports the other independent claims.

4. Constructive reduction to practice of the claimed subject matter occurred by at least September 26, 2000 when the pending application was filed.

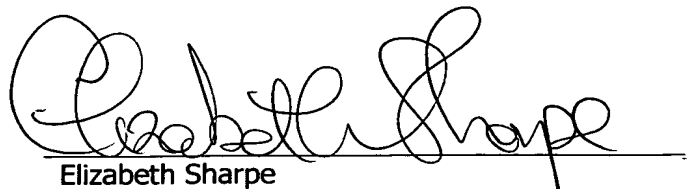
5. We exercised diligence in the completion of the invention between June 2000 and September 2000. We first met with our attorneys on June 16, 2000 to describe and explain the operation of our archival system. We received results of a prior art search on July 19, 2000. We received draft applications from our attorneys on August 1, August 3 and September 21 respectively. The application was filed in September 26, 2000. Copies of correspondence are provided in Exhibit B; some have been redacted because they reflect attorney client communication.

6. All of our work to conceive and reduce to practice the subject mater claimed in the above-referenced application was done in our offices and our attorneys' offices, both of which are located in the U.K.

7. As shown above, the invention described and claimed in this application is entitled to an invention date of at least June 9, 2000.

I, Elizabeth Sharpe, declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and that all statements made herein are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date: 12 August 2005



Elizabeth Sharpe

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and John Fraser

I, John Fraser, declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and that all statements made herein are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date: 12 August 2005

  
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John Fraser